

**ASSEMBLY BILL**

**No. 2189**

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**Introduced by Assembly Member Torrico**

February 18, 2010

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An act to amend Section 311.10 of the Penal Code, relating to sex offenses.

LEGISLATIVE COUNSEL'S DIGEST

AB 2189, as introduced, Torrico. Sex offenders: child pornography: distribution.

Under existing law it is a felony to advertise for sale or distribution any obscene matter that depicts a person under 18 years of age engaging in sexual conduct.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 311.10 of the Penal Code is amended to  
2     read:  
3     311.10. (a) Any person who advertises for sale or distribution  
4     any obscene matter knowing that it depicts a person under ~~the age~~  
5     of 18 years *of age* personally engaging in or personally simulating  
6     sexual conduct, as defined in Section 311.4, is guilty of a felony  
7     and is punishable by imprisonment in the state prison for two,  
8     three, or four years, or in a county jail not exceeding one year, or

- 1 by a fine not exceeding fifty thousand dollars (\$50,000), or by
- 2 both ~~such~~ *that* fine and imprisonment.
- 3 (b) Subdivision (a) shall not apply to the activities of law
- 4 enforcement and prosecution agencies in the investigation and
- 5 prosecution of criminal offenses.